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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/000,454

12/04/2001

Achim Breuer

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9210

7590

10/05/2004

VENABLE

Post Office Box 34385

Washington, DC 20043-9998

EXAMINER

SENF, BEHROOZ M

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/000,454

Applicant(s)

BREUER ET AL.

Examiner

Behrooz Senfi

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/20/2002</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Shofner et al (US 5,533,145) in view of Jornot et al (US 5,394,591).

Regarding claim 1, Shofner '145 teaches "a draw frame for drafting a sliver running there-through" (i.e. fig. 4), comprising; "a drafting unit having a plurality of roll assemblies spaced from one another in a direction of sliver advance" (i.e. fig. 4) shows plurality of rollers spaced a part, and "a sliver guide disposed" (i.e. fig. 6), and "a sliver trumpet" (i.e. fig. 6, 125), and "an electronic camera" (i.e. fig. 6, cameras 50), and "an electronic image evaluating unit" (fig. 8, 144). Shofner '145 teaches the arrangement of roll assemblies as shown in fig. 4. But fails to explicitly teach the arrangement of the roll assemblies as cited in claim 1, like; "one of the roll assemblies being an output roll assembly situated at a downstream end of the drafting". However, such arrangement is well known in the prior art of the record as evidenced by Jornot '591 (i.e. fig. 1, out put roll assembly 4). Therefore, taking the combined teaching of Shofner '145 and Jornot '591 would make the limitation "one of the roll assemblies being an output roll assembly situated at a downstream end of the drafting unit" obvious to one skilled in the art at the time of the invention was made.

Regarding claims 2 - 5 and 7, combination of Shofner '145 and Jornot '591 teach, "location is situated between the output roll assembly and the inlet opening of the sliver guide" (i.e. fig. 6, col. 7, lines 1 – 10 of Shofner).

Regarding claims 6, 8 and 9, combination of Shofner '145 and Jornot '591 teach, "electronic machine control device" (i.e. fig. 8, col. 6, lines 3 – 6 of Shofner and col. 2, lines 42 – 47 Of Jornot).

Regarding claims 10 - 12 and 15 - 16, combination of Shofner '145 and Jornot '591 teach, "CCD-camera" (i.e. col. 1, lines 22 of Shofner) and "camera has a picture taking axis oriented perpendicular to direction of sliver advance" (i.e. abstract, lines 5 – 6 of Shofner).

Regarding claims 13 - 14, combination of Shofner '145 and Jornot '591 teach, "sliver illuminating light" (i.e. fig. 4 of Shofner), and "control device (microprocessor) including a memory for storing" (i.e. fig. 8, storage 144 of Shofner).

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

Any response to this action should be mailed to:

Art Unit: 2613

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. S. B. S.

9/28/2004


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600